

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

PATRICIA BURKETT, Administratrix of the)
Estate of JEREMY BURKETT, deceased,)
Plaintiff,)
v.)
TIMOTHY EUGENE McCRAY and)
S. E. LUMBER COMPANY,)
Defendants.)
)

1:06-CV-00775-DRB

ORDER

After the Court's review of this file for entry of appropriate scheduling orders, it is, for good cause, ORDERED as follows:

1. Filing of Consents for Assignment to Magistrate Judge

The record reflects the Clerk's transmittal of notice to the plaintiff and to the defendants on August 29, 2006, of the random assignment of this civil case to a United States Magistrate Judge, who is authorized by 28 U.S.C. § 636(c) to conduct any and all proceedings in a jury or non-jury civil case and to order the entry of final judgment **upon the consent of all parties to a case**. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court. Any party to this lawsuit has the right to consent to, or decline to consent to, the exercise of jurisdiction of a Magistrate Judge, without adverse consequences. **Counsel for the parties are DIRECTED to execute and send to the Clerk, for receipt not later than September 19, 2006, either the attached form for consent to the Magistrate Judge's exercise or jurisdiction or the**

attached form for reassignment of this case to the District Judge.

2. Rule 26(f) Conference and Report

Pursuant to FED. R. CIV. P. 26(f) and M.D. Ala. LR 26.2(b), the parties shall confer as soon as practicable "to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by Rule 26(a)(1), and to develop a proposed discovery plan. The attorneys of record and all unrepresented parties are jointly responsible for arranging the conference, for attempting in good faith to agree on the proposed discovery plan, and for submitting to the court a written report outlining the plan. **The Rule 26(f) report containing the discovery plan shall be filed as soon as practicable but not later than October 12, 2006.** The report of the parties should comply with Form 35 , Appendix of Forms to the Federal Rules of Civil Procedure.

3. Dispositive Motions

The longstanding practice in this district is that dispositive motions shall be filed no later than 90 days prior to the pretrial date. If the parties seek to vary from that schedule, they should present, in the plan, specific case-related reasons for the requested variance.

4. Scheduling for Trial

The court may or may not hold a scheduling conference before issuing a scheduling order, and counsel may indicate any preference on the Rule 26(f) report. If the court sets a scheduling conference, counsel may participate by conference call as circumstances may warrant.

This case will be set for trial during one of the assigned judge's regularly scheduled civil trial terms. The pretrial date is normally set within four to six weeks of a scheduled trial term. The dates of each judge's civil trial terms are available on the court's website located at <http://almd.uscourts.gov>

in the civil case information section.

The scheduling order entered by the court will follow the form of the Uniform Scheduling Order adopted by the judges of this court. The Uniform Scheduling Order is also available on the court's website.

DONE this 8th day of September, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

PATRICIA BURKETT, Administratrix of the)
Estate of JEREMY BURKETT, deceased,)
Plaintiff,)
v.)
TIMOTHY EUGENE McCRAY and)
S. E. LUMBER COMPANY,)
Defendants.)
)

1:06-CV-00775-DRB

CONSENT TO JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of Title 28, U.S.C. § 636(c), the undersigned party or parties to the above-captioned civil matter who previously have indicated their consent to the jurisdiction of a Magistrate Judge of this Court, hereby confirm in writing their consent to a United States Magistrate Judge conducting any and all further proceedings in the case, including trial, and ordering the entry of a final judgment.

Date

Signature

Counsel For (**print** name of all parties)

Address, City, State, Zip Code

Telephone Number

DO NOT FILE THIS DOCUMENT ELECTRONICALLY. PLEASE MAIL IT TO:

Clerk, U.S. District Court
P. O. Box. 711
Montgomery, AL 36101

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

**EXPLANATION OF ASSIGNMENT TO
UNITED STATES MAGISTRATE JUDGE**

This civil case has been randomly assigned to a United States Magistrate Judge of this court.

In accordance with 28 U.S.C. § 636(c), the Magistrate Judges of this court are designated to conduct any and all proceedings in a jury or nonjury civil case and order the entry of final judgment upon the consent of all parties to a case. Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Eleventh Circuit in the same manner as any appeal from any judgment entered in this court.

Any party to this lawsuit has the right to consent or decline consent to the jurisdiction of a Magistrate Judge. To exercise your right to consent you should complete the consent form and return it to the Clerk of the Court as indicated in the court's order. Litigants, without concern for any adverse consequences, freely may decline consent to the jurisdiction of a Magistrate Judge. If you decline consent to the jurisdiction of a Magistrate Judge, this case will be reassigned randomly to a District Judge.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

PATRICIA BURKETT, Administratrix of the)
Estate of JEREMY BURKETT, deceased,)
Plaintiff,)
v.)
TIMOTHY EUGENE McCRAY and)
S. E. LUMBER COMPANY,)
Defendants.)
)

1:06-CV-00775-DRB

**REQUEST FOR REASSIGNMENT OF CASE
TO A UNITED STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the Magistrate Judge's exercise of civil jurisdiction in this case. The undersigned party requests reassignment of this case to a United States District Judge.

Date

Signature

Counsel For (**print** name of all parties)

Address, City, State Zip Code

Telephone Number

DO NOT FILE THIS DOCUMENT ELECTRONICALLY. PLEASE MAIL IT TO:

Clerk, U.S. District Court
P. O. Box. 711
Montgomery, AL 36101